01-03-02

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

e Prior Application of:

Edwin James DuMorris EDDY, et al.

Serial No.: 09/380,351

Filed: August 31, 1999

Title: DEVICE FOR COLD CUTTING

ELONGATE MEMBERS ALONG

A LONGITUDINAL AXIS

Attorney Docket No. P-6374.03(GP

Group Art Unit: 3724

Examiner: C. Dexter

Box CPA

Commissioner of Patents and Trademarks

Washington, D.C. 20231

CONTINUED PROSECUTION APPLICATION (CPA)

This is a request for filing a continued prosecution application under 37 C.F.R. § 1. 1.53(d) of the above identified prior non-provisional application.

It is further requested that this continued prosecution application utilize the file jacket and contents of the prior application, including the specification, drawings, and oath or declaration from the prior application, to constitute this new application, and that the application number of the above identified prior application be assigned for identification purposes. 37 C.F.R. § 1.53(d)(2)(iv).

It is also requested that the above-identified prior application be expressly abandoned as of the filing date accorded this continued prosecution application. 37 C.F.R. § 1.53(d)(2)(v).

- 2. This continued prosecution application is being filed before the term for response in the prior application expires on December 29, 2001. A one-month extension of time to and 8.8 including December 29, 2000, is enclosed and the appropriate fee paid.
 - 3. It is noted that:
 - This application discloses and claims only subject matter disclosed in the prior application. 37 C.F.R. § 1.53(d)(2)(iii). (a)

- (b) Filing of this continued prosecution application is to be construed to include a waiver of confidentiality by the application under 35 U.S.C. § 122, to the extent that any member of the public, who is entitled under the provisions of § 1.14 to access to, copies of, or information concerning, either the prior application or any continuing application filed under the provisions of 37 C.F.R. § 1.53(d), may be given similar access to, copies of, or similar information concerning the other application or applications in the file jacket. 37 C.F.R. § 1.53(d)(6).
- (c) Filing of this request is the specific reference required by 35 U.S.C. § 120 to every application assigned the application number identified in this request. No amendment in this application may delete this specific reference to any prior application. 37 C.F.R. §§ 1.53(d)(7) and 1.78(a)(2).
- 4. This CPA names as inventors the same inventors named in the prior application on the date this continued prosecution application under 37 C.F.R. § 1.53(d)(2)(iii) is being filed.
 - 5. Enclosed herewith is a preliminary amendment.
- 6. Enclosed is a check in the amount of \$410 to cover the CPA filing fees (\$355) and the one-month extension of time fees (\$55). The Commissioner is hereby authorized to deduct any fee deficiencies from deposit account no. 07-2400. A duplicate copy of this page is enclosed.

Respectfully submitted,

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CERTIFICATE OF EXPRESS MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited on the date shown below with the United States Postal Service, as Express Mail Post Office to Addressee (37 CFR 1.10), Mailing Label No. EL909012703US, addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Date: December 28, 2001

Kelly Foland

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PRELIMINARY AMENDMENT

This amendment is being filed with a Continued Prosecution Application this date.

IN THE CLAIMS

Claims 26, 36, 37 and 48 are pending.

Claim 36 remains unchanged.

Claims 26, 37 and 48 are amended as follows:

26. (Thrice Amended) A cold separation device for separating a cold elongate metallic member along a substantially longitudinal axis thereof, said device comprising:

a separation unit having a cutter;

support means extending upstream and downstream of said separation unit to support said elongate member;

a feeder means to feed said elongate member towards and through said separation unit, said feeder means comprising a pusher arm upstream of said separation unit whereby, said pusher arm exerts a force on an end of said elongate metallic member distal from said separation unit to push said member towards and through the said separation unit; and

